# MINING LAWS

AND

# LAWS RELATING TO LABOR

OF THE

# STATE OF KANSAS.

1893.

COMPILED BY

A. C. GALLAGHER,

STATE INSPECTOR OF MINES.

TOPEKA.

PRESS OF THE HAMILTON PRINTING COMPANY.

EDWIN H. SNOW, State Printer.

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Kansas. Laws, statutes, etc.

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## NOTE.

HAVING become convinced that it is imperatively necessary that the mining laws of the state should be more generally read by those who are especially interested in them —the miners and mine owners—and as I am aware that they are practically inaccessible to the greater number of those to whom they relate, I have compiled all laws relating to mines and mining that are now on our statute books, and herewith present them, trusting that they may prove of material value to the mining public. I have also added a number of the more important laws bearing on the labor question that are of interest and value to the wage-earner.

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# General Mining Law.

[General Statutes of 1889, ch. 66*a*, pp. 1093-1103.]


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**Escapement Shaft.** SECTION 1. That the owner or owners or lessee of each and every coal mine or colliery in this state, which is worked by means of a shaft, shall make and construct an escapement shaft, making at least two distinct means of ingress and egress

for all persons employed or permitted to work in such coal mine or colliery. Such escapement shaft, or or other communication with a contiguous mine, shall be constructed in connection with every stratum of coal worked in such coal mine or colliery; and every escapement shaft or other communication with a contiguous mine, as aforesaid, shall be so constructed as to be accessible from every entry, plane or level in said coal mine or colliery, in case of a fire or other accident to the main shaft: *Provided*, That the provisions of this law shall not apply to the coal mine at Leavenworth until the chambers, drifts or passages shall have reached the east side of the Missouri river.

**Construction.** SEC. 2. That the time allowed for such construction shall be four months for the first 50 feet or fractional part thereof, and three months for each and every additional 50 feet in depth of said escapement shaft so to be constructed. And every escapement shall be separated from the main shaft by at least 100 feet of natural strata; and all owners of coal mines or collieries that are in operation before the passage of this act shall, on or before the 1st day of July, A. D. 1875, proceed to construct such escapement shaft

or other communication with a contiguous mine as aforesaid.

**Penalty.** SEC. 3. Any owner or owners or lessee of any coal mine or colliery, who shall neglect or refuse to comply with sections 1 and 2 of this act, shall be deemed guilty of misdemeanor, and subject to a fine of not less than $100 nor more than $1,000, or by imprisonment in the couty jail not more than three months, or by both such fine and imprisonment.

**Obstructions, etc.** SEC. 4. Any miner, workman or other person who shall knowingly obstruct or throw open any air ways, or carry lighted lamps into any places that are worked by the aid of safety lamps, or shall move or disturb any part of the machinery of the hoisting engine, or whim, or open a door in the mine, and not have the same closed again, whereby danger is produced either to the mine or those at work therein, or who shall enter into any part of the mine against caution, or who shall disobey any order given in pursuance of this act, or who shall do any willful act whereby the lives and health of persons working in the mine, or the security of the mine or miners, or the machinery thereof is endangered, shall be

deemed guilty of a misdemeanor, and upon conviction shall be punished by fine or imprisonment, at the discretion of the court.

**Terms Defined.** SEC. 5. The terms "owner" or "owners" or "lessee," as used in this act, shall include the immediate proprietor, lessee or occupier of any coal mine or colliery, or any person having, on behalf of any owner or owners or lessee as aforesaid, the care and management of any coal mine or colliery, or any part thereof.

**Protection of Owners.** SEC. 6. Whenever an affidavit properly verified by the person aggrieved, or his agent or attorney, shall be presented to the district court of the proper county, during term time, or to the judge thereof in vacation, in which it shall be made to appear that such person shall have good reason to believe that any other person or persons, corporation or corporations, are without authority encroaching upon the land of the person aggrieved, whether the same be held by lease or otherwise, and are mining, or taking coal therefrom, it shall be the duty of the said court, or judge, to order and direct the county surveyor to survey the mine or mines, of the person or persons, corporation or corporations, accused thereof, for

the purpose of ascertaining the truth thereof; the party applying for such survey to first give bond in such a sum as may be deemed sufficient by said court, or judge, and the same to be at the time approved by said court or judge, conditioned for the payment of the costs of said survey.

**Survey.** SEC. 7. Upon the making of such order and approval of said bond, it shall be the duty of the county surveyor to forwith make such survey, and to file his written report thereof with the clerk of such district court.

**Injunction.** SEC. 8. When it shall be made to appear by petition verified by the oath of the plaintiff, his agent or attorney, and by the survey of the county surveyor, that any person or persons, corporation or corporations, is or are, without authority, mining or taking coal from the land of the plaintiff, whether held by lease or otherwise, it shall be the duty of the proper district court in term time, or the judge thereof in vacation, to grant a temporary injunction restraining such person or persons, corporation or corparations, from mining or taking coal such land until the further order of the court or judge.

**Proceedings.** SEC. 9. The proceedings in such cases shall be in all respects similar to the course of procedure in actions for injunction.

**Ingress and Egress.** SEC. 10. It shall be the duty of every person or corporation owning coal mines, and every person in charge of the same, to provide the county surveyor with all the ordinary means of ingress and egress to make any survey thereof he may be ordered to make; and any person or persons in any way interfering, molesting or hindering such county surveyor in making any survey he may be ordered to make under the provisions of this act, shall be guilty of a misdemeanor, and shall be liable for each offense to a fine of not less than $10 and not more than $100, to be prosecuted and recovered as in other cases of misdemeanor.

**Cities May Contract.** SEC. 11. That any city of the first or second class, in which an organized coal company shall exist, may by ordinance, contract with such company for the exclusive and perpetual right to mine beneath the streets, alleys and public grounds thereof, upon the agreement to pay one-fourth a cent per bushel upon each and every bushel raised by said company; one-half of which

amount shall be paid into the general fund of said city, and the other half shall be paid to the treasurer of the state in aid of the school fund.

**Certain Contracts.** SEC. 12. Any coal company which shall have heretofore attained by ordinance from any city of the first class, a contract for the exclusive right to mine under the streets, alleys and public grounds thereof, shall be entitled to the priority, exclusion and perpetuity of such ordinance, which is hereby validated and confirmed: *Provided*, That within 30 days after the passage of this act such company shall file with the secretary of state their consent thereto and stipulate to pay an amount specified in the first section hereof and to comply with the conditions named in the ordinance.

**Construction.** SEC. 13. That nothing in this act shall be construed to relieve such company from making compensation to the owners of private property for any injury done in mining operations.

**Survey Drifts, When.** SEC. 14. When any owner, tenant or subtenant of a lot or lots or tract of land shall file with any justice of the peace within the county in which said lot or lots or tract of land may be situated,

his or her affidavit, or the affidavit of any other creditable person for them, stating, that from knowledge, information or belief, the party or parties owning, controlling or working the adjoining lot or lots or tract of land, and upon which said parties or parties are sinking shafts, mining, excavating and running drifts, and that said drifts, in which said parties are digging, mining and excavating any mineral ore or veins of coal, extend beyond the lines and boundaries of said lot or lots or tract of land owned, controlled or worked by them, and have entered into and upon the premises of the party or parties making said affidavit, or for whom said affidavit is made, the justice of the peace, after first being tendered his lawful fees, shall issue his written order, and deliver or cause the same to be delivered to the county surveyor or his deputy, commanding him, after his reasonable fees have been tendered, to proceed without delay to survey said drift, by entering any and all shafts upon said lot or lots or tract of land, that he, the surveyor, may see fit, for the purpose of ascertaining the course and distance of said drift or drifts, and to locate the same upon the surface.

**Read Order.** SEC. 15. The surveyor

shall, before entering upon said duties, read said order to the party or parties owning, controlling or working any shaft or shafts on said lot or lots or tract of land.

**Persons Refusing.** SEC. 16. If any person shall refuse, hinder or prevent said county surveyor or his deputy and his assistants from entering said shaft or shafts or drifts to make the survey so ordered by the justice of the peace, said person or persons so offending shall on conviction be adjudged guilty of a misdemeanor, and punished by imprisonment in the county jail for a term of not exceeding one year, or by fine not exceeding $300, or by both such fine and imprisonment.

**Map or Plan.** SEC. 17. That the owner, agent or operator of every coal mine shall make or cause to be made within six months after the passage of this act, an accurate map or plan of the workings of such coal mine, and each and every vein thereof, on a scale not exceeding 100 feet to the inch, and showing the bearings and distances, which shall be kept in the office of such coal mine; and it shall be the duty of the owner, agent or operator of such coal mine to furnish the state inspector with a true copy of said map or plan, the same to be deposited at his office. And

such owner, agent or operator shall cause, on or before the 10th day of July of each year, a plan of the progress of the workings of such coal mine during the year past to be marked on the original map or plan of the said coal mine, and the inspector shall correct his map or plan of said workings in accordance with the above plan or map thus furnished. And when any coal mine is worked out or abandoned, the fact shall be reported to the inspector, and the map or plan of such coal mine in his office shall be carefully corrected and verified: *Provided*, If the owner, agent or operator of any coal mine shall neglect or refuse, or for any cause fail, for the period of two months after the time prescribed, to furnish the said map or plan as hereby required, or if the inspector shall find, or have reason to believe, that any map or plan of any coal mine furnished in pursuance of this act is materially inaccurate or imperfect, he is hereby authorized to cause a correct map or plan of the actual workings of said coal mine to be made at the expense of the owner, agent or operator thereof, the cost of which shall be recovered from said owner, agent or operator as other debts are recoverable by law: *Provided*, That if the map or plan

which the inspector claimed to be incorrect shall prove to have been correct, then the aforesaid expense shall be paid by the inspector.

**Opening; Penalty; Metal Tubes, etc.** SEC. 18. It shall not be lawful, after six months from the passage of this act, for the owner, agent or operator of any coal mine to employ any person at work within said coal mine, or permit any person to be in said coal mine for the purpose of working therein, unless they are in communication with at least two openings, separated by natural strata of not less than 80 feet in breadth if the mine be worked by shaft or slope, and if worked by drift not less than 50 feet: *Provided, however,* That such coal mine shall not exceed 100 feet in depth, from the surface to the coal; and for every additional 100 feet, or fractional part thereof, six months additional time will be granted; but in all cases the number of men shall be limited not to exceed 25 until the second opening is perfected and made available; and a roadway to the same shall be kept open, not less than three feet high and four feet wide, thereby forming a communication as contemplated in this act, but the limit herein prescribed as to the

number working in the shaft before the completion of the second opening shall not apply to mines exceeding 700 feet in depth. And for a failure to do as provided in this section, the owner, agent or operator shall be subject to the penalty provided for in section 31 of this act. And in case furnace ventilation being used before the second opening is reached, the furnace shall not be within 40 feet of the foot of the shaft, and shall be secured from danger from fire by brick or stone walls of sufficient thickness; and the flues shall be composed of incombustible material to an extent of not less than 30 feet from the furnace and the mine while being driven for making or perfecting a second opening. In all cases where the human voice cannot be distinctly heard, the owner, agent or operator shall provide and maintain a metal tube from the top to the bottom of the shaft or slope, suitably adapted to the free passage of sound, through which conversation may be held between persons at the bottom and top of such shaft or slope; and there shall also be maintained the ordinary means of signaling to and from the top and bottom of such shaft or slope. In all mines of 100 feet in depth or over from the

surface to the ground an improved safety catch shall be used, and sufficient horns or flanges shall be attached to the sides of the drum of every machine that is used for lowering or hoisting persons into and out of said mine where steam is used, and adequate brakes shall be attached thereto. The main link attached to the swivel of the wire rope shall be made of the best quality of iron, and shall be tested by weights or other means satisfactory to the inspector of mines of the state; and bridle chains shall be attached to the main link from the cross pieces of the cage, and no single-link chain shall be used for lowering or raising persons into or out of said mine; and not more than six persons shall be lowered or hoisted by the machinery at any one time; and only sober, competent and experienced engineers shall be employed, and said engineer shall have attained at least the age of 18 years; and on no account shall any coal be hoisted, or timber or any other material sent up or down, or empty cars, while persons are descending into or ascending out of said mine. In all coal mines hereafter opened, or that shall hereafter go into operation in the state, the owner thereof, or owner, lessee, agent or operator shall con-

struct such escapement shaft as is now required by law in this state, at the rate of 50 feet every six months until such escapement shaft shall have been fully completed; and until such escapement shaft is fully completed and connected with the main shaft, it shall be unlawful to work over 25 men in said mine: *Provided further*, That the number of men to be employed in any mine 700 feet deep or more prior to the time when a second or air shaft is sunk, shall be designated by the state mine inspector after a careful examination of all the conditions as to the safety and health of the men in the mines.

**Steam and Water Gauge.** SEC. 19. Every steam boiler used in or around the coal mines of this state shall be provided with a proper steam gauge and water gauge, to show respectively the pressure of steam and the height of water in the boiler, and to be also provided with a proper safety valve; and the owner, agent or operator shall have the said boiler or boilers examined and inspected by a competent boiler maker, or other qualified person, once in every six months, and the result of every examination shall be certified in writing, and conveyed to the mine inspector to be filed in the records of his office.

**Ventilation; Fire Damp.** SEC. 20. The owner, agent or operator of every coal mine, whether shaft, slope, or drift, shall within six months after the passage of this act provide and thereafter maintain for every such mine ample means of ventilation, affording 100 cubic feet of air per minute per person in all mines where the coal strata are three feet thick or over, and a proportinate amount for thinner strata, which shall be circulated wherever any person or persons may be working in said mine. The inspector may increase the amount when necessary, to such an extent as will dilute, carry off and render harmless the noxious gases generated therein; and all mines generating fire damp shall be kept free of standing gas, and every working place shall be carefully examined every morning with a safety lamp by a competent person, before any workman is allowed to enter therein; and it shall be the duty of the owner, agent or operator of every coal mine to provide and maintain air ways of sufficient dimension to supply the requisite amount of air.

**Overseer; Duties; Manholes.** SEC. 21. In order to better secure the proper ventilation of every coal mine, and promote the health and safety of the persons employed

therein, the owner, agent or operator shall employ a competent and practical inside overseer, to be called "mining boss," who shall keep a careful watch over the ventilating apparatus, the air ways, traveling ways, pumps and pump timbers and drainage, and shall see that as the miners advance their excavations all loose coal, slate and rock, overhead, are carefully secured against falling in upon the traveling ways. And every underground plane on which persons travel, worked by self-acting pulleys, engines, windlasses or machinery of whatever description, shall be provided with proper means of signaling between the stopping places and the ends of the plane; and shall furthermore be provided in every case, at intervals of not more than 30 feet, with sufficient manholes for places of refuge. And every road on which persons travel underground, where the coal is drawn by mules or other animals, shall be provided, at intervals of not more than 60 feet, with sufficient manholes for places of refuge. And every mine shall be supplied with sufficient prop timber, of suitable length and size for the places where it is to be used, and kept in easy access to. And it shall also be the duty of the mining boss to measure

the air current at least once per week at the inlet and outlet, and at the face of the workings, and keep a record of such measurements, and report the same to the inspector of the state once in every month. The safety lamps used for examining mines, or which may be used for working therein, shall be furnished by and be the property of the owner of said mines, and shall be in charge of the agent of such mine. And in all mines generating explosive gases, the doors used in assisting or directing the ventilation of the mine shall be so hung and adjusted that they will close themselves, or be supplied with springs or pulleys so that they cannot be left standing open; and bore holes shall be kept, not less than 12 feet in advance of the face of every working place, and when necessary, on the sides, if the same is driven toward and in dangerous proximity to an abandoned mine suspected of containing inflammable gases, or which is inundated with water.

**Explosions.** SEC. 22. It shall be unlawful for any miner or other person to take into or have in his possession in any coal-mine shaft, slope or pit in this state more than $12\frac{1}{2}$ pounds of powder or any other

explosive substance at any one time; and all such powder or other explosive substance shall be kept in a tight box, securely locked, and such boxes shall be kept at least 20 yards from the working face in all such coal-mine slopes, drifts, or pits; and it shall be the duty of all pit bosses or other persons who shall be in charge or control of any coal-mine slope, drift or pit in this state to keep watch over and see that the provisions of this act are complied with; and any person violating or neglecting to comply with the provisions of this act shall be deemed guilty of a misdemeanor, and shall, on conviction before any court having jurisdiction thereof, be fined in any sum not less than $10 nor more than $50, or by imprisonment in the county jail not more than 30 days, for each and every such offense; and the possession of more than 12½ pounds of powder or any other explosive substance in such coal mine, slope or drift shall be *prima facie* evidence of the person taking said powder or other explosive substance into such mine, slope, or drift. Any miner, workman or other person, who shall intentionally injure any safety lamp, instrument, air way, brattice, or obstruct or throw open air ways, or carry

lighted lamps, pipes or matches into places worked by the light of safety lamps, or shall move or disturb any part of the machinery, or who shall open a door and not close it again, or enter any place of the mine against caution, or disobey any order given in carrying out the provisions of this act, or who shall do any willful act whereby the lives or health of persons or the security of the mine or the machinery is endangered, shall be guilty of a misdemeanor, and, on conviction, shall be punished by a fine, or imprisonment, at the discretion of the court.

NOTE.—Section 22, as it reads above, is in its amended form. See ch. 127, Session Laws 1891.

**Abandoned Shaft.** SEC. 23. All machinery about mines, and the entrance of every abandoned shaft or slope, shall be properly fenced off, and the top of each shaft and each landing of the same shall be fenced around with a fence not less than three feet high on every side, except the side or sides used for loading and unloading the cages, and this side or sides shall have gates or bars, which shall be kept closed at all times except during the active use of the cages at these places; and there shall be cut in the side of every hoisting shaft, at the bottom thereof, a traveling way sufficiently high and

wide to enable persons to pass the shaft in going from one side of the mine to the other without passing over or under the cages or other hoisting apparatus.

**Inspector; Term; Compensation.** SEC. 24. As soon as practicable after the passage of this act, the governor of the state, with the advice and consent of the executive council, shall appoint a qualified person to be inspector of mines, provided for in this act. The qualifications for said office of inspector of mines shall be as follows, namely: He shall be a citizen of the United States, and shall have resided in the state of Kansas for two years, of temperate habits, of good repute, a man of personal integrity, shall have attained the age of 30 years, and shall have had at least five years' experience working in and around coal mines; and he shall furnish evidence of such practical as well as theoretical knowledge of the working of coal mines and noxious gases as will satisfy the governor and executive council of his capacity and fitness for the performance of the duties imposed upon an inspector of mines by the provisions of this act. His commission shall be for two years, to be computed from the 30th of June next. As

often as vacancies occur by death, resignation or otherwise, in said office of inspector of mines, the governor, in the same manner, shall fill the same by appointment for the unexpired term. Nothing in this act shall be construed to prevent the reappointment of any inspector of mines. The inspector of mines shall receive for his services an annual salary of $2,000, to be paid in installments at the end of each quarter, by the state treasurer. He shall reside in the state, and keep an office as centrally located as practicable to the mining districts of the state. The executive council is hereby authorized to procure such instruments and chemical tests and stationery, from time to time, as may be necessary for the inspector in the proper discharge of his duties, under this act, at the expense of the state, which shall be paid by the state treasurer, upon accounts duly certified by the executive council and audited by the auditor of the state. All the instruments, plans, book memoranda, notes, etc., pertaining to the office, shall be the property of the state, and shall be delivered to his successor in office.

**Bond.** SEC. 25. The inspector of coal mines shall, before entering upon the dis-

charge of his duties, give bond in the sum of $3,000, with sureties to be approved by the executive council, conditioned for the faithful discharge of his duty, and take an oath (or affirmation) to discharge his duty impartially and with fidelity, to the best of his knowledge and ability.

**Ineligible.** SEC. 26. No person who shall act as a manager or agent of any coal mine, or as a mining engineer, or be interested in operating any coal mine, shall at the same time act as an inspector of coal mines under this act.

**Violating Act.** SEC. 27. For any injury to person or property occasioned by any violation of this act, or any willful failure to comply with its provisions by any owner, lessee, or operator of any coal mine or opening, a right of action against the party at fault shall accrue to the party injured for the direct damage sustained thereby; and in any case of loss of life by reason of such violation or willful failure, a right of action against the party at fault shall accrue to the widow and lineal heirs of the person whose life shall be lost, for like recovery of damages for the injury they shall have sustained.

**Duties of Inspector; Record.** SEC. 28.

The inspector of mines shall devote the whole of his time to the duties of his office. It shall be his duty to examine each mine in the state as often as possible, and at least twice each year, to see that all provisions of this act are observed and strictly carried out; and he shall make a record of all examinations of mines, showing the condition in which he finds them, the number of persons employed in and about each mine, the extent to which the law is obeyed, the progress made in the improvements sought to be secured by the passage of this act, the number of accidents and deaths resulting from injuries received in the mines, and all other facts of public interest concerning the condition and progress of mining in this state. In order to facilitate the inspector in his duties, it shall be the duty of all coal operators to make quarterly statements to the inspector of the amount of coal mined, and the number of miners and other persons employed around the mines each quarter. The inspector's record, and all matters concerning the coal-mining business of public interest, shall be embodied in the inspector's annual report made to the governor on the first day of February each year.

**Enter Mines; Injunction; Costs.** SEC. 29. That the inspector may be enabled to perform the duties here imposed on him, he shall have the right at all times to enter any coal mine to make examination or obtain information. He shall notify the owners, lessees, or agents immediately of the discovery of any violations of this act and of the penalty imposed thereby for such violation, and in case of such notice being disregarded for the space of 10 days, he shall institute a prosecution against the owner, owners, lessee, or agent of the mine, under the provisions of section 16 of this act. In any case, however, where, in the judgment of the inspector, delay may jeopardize life or limb, he shall at once proceed to the mine where the danger exists and examine into the matter, and if, after full investigation thereof, he shall be of the opinion that there is immediate danger, he shall apply in the name of the state to the district court of the county in which the mine may be located, or to the district judge in vacation, for an injunction to suspend all work in and about such mine; whereupon said court, or judge in vacation, if the cause appears to be sufficient, after hearing the parties and their evidence

as in like cases, shall issue a writ to restrain the working until all cause of danger is removed. And the cost of said proceedings, including the charges of attorney prosecuting said application, shall be borne by the owner of the coal mine: *Provided*, That no fee exceeding the sum of $25 shall be taxed in any one case for the attorney prosecuting such case: *Provided further*, That if said court (or judge in vacation) shall find the cause not sufficient, then the case shall be dismissed, and the cost shall be borne by the state or county, in the discretion of the court (or judge in vacation).

**Loss of Life, or Injury.** SEC. 30. Whenever, by reason of any explosion or other accident, in any coal mine, or the machinery connected therewith, loss of life, or serious personal injury, shall occur, it shall be the duty of the person having charge of such coal mine to give notice thereof forthwith to the inspector, and if any person is killed thereby, to the coroner of the county, who shall give due notice of the inquest to be held. It shall be the duty of the inspector, upon being notified as herein provided, to immediately repair to the scene of the accident, and make such suggestions as may appear necessary to secure

the future safety of the men; and if the results of the explosion do not require an investigation by the coroner, he shall proceed to investigate and ascertain thecause of the explosion or accident, and make a record thereof, which he shall file as provided for; and to enable him to make the investigation, he shall have power to compel the attendance of persons to testify, and to administer oaths or affirmations. The cost of such investigation shall be paid by the county in which the accident occurred, in the same manner as costs of inquests held by the coroner or justices of the peace are paid.

**Penalty.** SEC. 31. Any owner or owners, lessee, agent or operator of any coal mine, who shall neglect or refuse to comply with sections 17, 18, 19, 20, 21 and 23 of this act, shall be deemed guilty of a misdemeanor, and subject to a fine of not less than $100 nor more than $1,000, or by imprisonment in the county jail not more than three months, or by both such fine and imprisonment. All penalties recovered under this act shall be applied, in the county in which the fine is collected, to the support of common schools.

**Minors.** SEC. 32. No person under 12 years of age shall be allowed to work in any

coal mine, nor any minor between the ages of 12 and 16 years unless he can read and write and furnish a certificate from a school teacher, which shall be kept on file, showing that he has attended school at least three months during the year; and in all cases of minors applying for work, the agent of such coal mine shall see that the provisions of this section are not violated; and upon conviction of a willful violation of this section of this act, the agent of such coal mine shall be fined in any sum not to exceed $50 for each and every offense.

**Terms Defined.** SEC. 33. The terms "owner," "owners," "lessee," "agent," or "operator," as used in this act, shall include the immediate proprietor, lessee or occupier of any coal mine, or any person having on behalf of any owner or owners, or lessee, as aforesaid, the care and management of any coal mine, or any part thereof.

**Repeal.** SEC. 34. All acts or parts of acts in conflict with any of the provisions of this act, are hereby repealed. (Laws of 1883, ch. 117, § 19.)

**Shot Firers.** SEC. 35. All owners, lessees, operators of, or any other person having the control or management of any coal shaft,

slope, drift or pit in this state employing miners to work therein, shall employ shot firers to fire the shots therein. Said shots shall be fired once a day on each day when any such shaft, slope, drift or pit is in operation, but shall not be fired until after all miners and other employés working therein shall have been hoisted out of said mine.

**Conditions.** SEC. 36. It shall be unlawful for any miner or any other person other than the shot firers provided for in section 35 this act to fire any shot in any coal shaft, slope, drift or pit in this state. Any miner or other person engaged in mining coal in this state who shall drill any hole or fire any shot in the coal vein at the working face of any room or entry until so much of said coal vein at said working face as the said shot or shots are intended to throw down shall have been undermined to the depth of not less than two feet, or sheared or cut to the full depth of the drill or shot hole and of the full thickness of the coal vein in rooms, or shall have been sheared to the full depth of the drill or shot hole and the full thickness of vein in entries, or who shall so direct the drilling of such holes as to include between such shearing or mining and the back or rear

end of the hole a greater width of coal than is contained between such shearing or mining and the mouth of the hole, shall be deemed guilty of a misdemeanor, and fined as hereinafter provided.

**Managers; Penalty.** SEC. 37. Any owner, lessee, operator, or other person having the control or management of any coal shaft, slope, drift or pit, who shall refuse to furnish the shot firers, as provided for in section 36 of this act, shall be deemed guilty of a misdemeanor, and on conviction therefor shall be fined in any sum not less than $50 nor more than $200 for each offense, or imprisonment in the county jail in the county where such offense is committed for a period not to exceed 30 days, or by both such fine and imprisonment; proceedings to be instituted in any court having competent jurisdiction.

**Miners; Penalty.** SEC. 38. Any miner or other person who shall fire any shot in violation of section 36 of this act shall be deemed guilty of a misdemeanor, and on conviction therefor shall be fined in any sum not less than $50 nor more than $200, or imprisonment in the county jail in the county where such offense is committed not to ex-

ceed 30 days, or by both such fine and imprisonment; proceedings to be instituted in any court having competent jurisdiction.

## WEIGHING OF COAL AT THE MINE.

AN ACT to regulate the weighing of coal at the mine.
[Session Laws of 1893, ch. 188, p. 271.]


SECTION.
1. Screen.
2. Weighman.
3. Miners can employ check weighman.
4. Scales.
5. Annulment of this act void.
6. Shall apply to all workers.


**Screen.** SECTION 1. It shall be unlawful for any mine owner, lessee or operator of coal mines in this state, employing miners at bushel or ton rates, or other quantity, to pass the output of coal mines by said miners over any screen or other device which shall take any part from the value thereof before the same shall have been weighed and duly credited to the employés and accounted for at the legal rate of weights as fixed by the laws of Kansas.

**Weighman.** SEC. 2. The weighman employed at any mine shall subscribe an oath or affirmation, before a justice of the peace or other officer authorized to administer oaths, to do justice between employer and employé, and to weigh the output of coal from mines in accordance with the provisions of section 1 of this act. Said oath or affirmation shall be kept conspicuously posted in the weigh office,

and any weigher of coal, or persons so employed, who shall knowingly violate any of of the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than $25 nor more than $100 for each offense, or by imprisonment in the county jail for a period not to exceed 30 days, or by both such fine and imprisonment.

**Miners can Employ Check Weighman.** SEC. 3. The miners employed by or engaged in working for any mine owner, operator or lessee in this state shall have the privilege, if they so desire, of employing at their own expense a check weighman, who shall have like rights and privileges in the weighing of coal as the regular weighman, and be subject to the same oath and penalties as the regular weighman.

**Scales.** SEC. 4. Any person or persons having or using any scale or scales for the purpose of weighing the output of coal at mines, so arranged or constructed that fraudulent weighing may be done thereby, or who shall knowingly resort to or employ any means whatever, by reason of which such coal is not correctly weighed and reported in accordance with the provisions of this act,

shall be deemed guilty of a misdemeanor, and shall, upon conviction, for each offense be punished by a fine of not less than $200 nor more than $500, or by imprisonment in the county jail for a period not to exceed 60 days, or by both such fine and imprisonment.

**Annulment of this Act Void.** SEC. 5. Any provisions, contract or agreement between mine owners or operators thereof and the miners employed therein, whereby the provisions of section 1 of this act are waived, modified, or annulled, shall be void and of no effect; and the coal sent to the surface shall be accepted or rejected, and if accepted shall be weighed in accordance with the provisions of this act; and right of action shall not be invalidated by reason of any contract or agreement.

**Shall Apply to all Workers.** SEC. 6. The provisions of this act shall also apply to the class of workers in mines known as loaders, engaged in mines wherein mining is done by machinery. Whenever the workmen are under contract to load coal by the bushel, ton, or any quantity the settlement of which is had by weight, the output shall be weighed in accordance with the provisions of this act.

## RELATING TO PAYMENT OF WAGES.

AN ACT to secure to laborers in and about coal mines and manufactories the payment of their wages in lawful money of the United States.

[General Statutes 1889, ch. 31, p. 724.]


| SECTION. | SECTION. |
|---|---|
| 301. Laborers to be paid. | 303. County attorney to prosecute. |
| 302. Coercion of employés. | |


**Laborers to be Paid.** SECTION 301. It shall be unlawful for any person, firm, company or corporation to sell, give, deliver, or in any manner issue directly or indirectly to any person employed by him or it, in payment of wages due for labor or as advances on the wages of labor not due, any scrip, token, check, draft, order, or other evidence of indebtedness payable to bearer or his assignee otherwise than at date of issue, in lawful money of the United States. Any violation of the provisions of this section shall be punished by a fine of not less than $25 nor more than $100, or imprisonment of not more than 30 days, or both; and the amount of any scrip, token, check, draft, order, or other evidence of indebtedness sold, given, delivered, or in any manner issued in violation of the provisions of this section,

shall be recovered in money at the suit of any holder thereof against the person, firm, company or corporation selling, giving, delivering, or in any manner issuing the same: *Provided,* That nothing contained in this section shall apply to or affect the right of any person or private individual from giving orders on any store or business house or firm in the business or the business or profits of which he or it has no interest, directly or indirectly: *Provided further,* That such order shall only be given at the solicitation of the employé of such person or private individual: *Provided further,* That nothing contained in this section shall apply to contracts made and entered into between farmers and their employés, where mutual arrangements are made between them otherwise.

**Coercion of Employes.** SEC. 302. Whoever compels or in any manner seeks to compel or attempts to coerce an employé of any person, firm or corporation to purchase goods or supplies from any particular person, firm or corporation, shall be fined not more than $100 nor less than $20, or imprisoned not more than 60 days, or both.

**County Attorney to Prosecute.** SEC. 303. The county attorney of any county,

upon complaint made to him, shall proceed to prosecute the violators of this act as prescribed in other cases of misdemeanor.

## EXEMPTIONS.

AN ACT exempting certain property from sale upon execution or other process.

[General Statutes of 1889, ch. 38, p. 879.]

SECTION.
1. Homestead, to what extent exempt; cases excepted.
2. Householder, wife or agent, may notify officer of what is regarded as homestead.
3. Personal property exempt.
4. What property owned by other than head of family, exempt.
5. Personal property not exempt from taxation or sale for taxes.
6. Not exempt for wages of clerk, mechanic, etc.

**Homestead.** SECTION. 1. A homestead to the extent of 160 acres of farming land, or of one acre within the limits of an incorporated town or city, occupied as a residence by the family of the owner, together with all the improvements on the same, shall be exempted from forced sale under any process of law, and shall not be alienated without the joint consent of husband and wife, when that relation exists; but no property shall be exempt from sale for taxes, or for the payment of obligations contracted for the purchase of said premises, or for the erection of improvements thereon: *Provided*, The provisions of this section shall not apply to any process of

law obtained by virtue of a lien given by the consent of both husband and wife.

**Levy Made Upon.** SEC. 2. Whenever any levy shall be made upon the lands or tenements of a householder, whose homestead has not been selected and set apart, such householder, his wife, agent or attorney, may notify the officer, in writing, at the time of making such levy, or at any time before the sale, of what he regards as his homestead, with a description thereof, and the remainder alone shall be subject to sale under such levy.

**Property Exempt Owned by Head of Family.** SEC. 3. Every person residing in this state, and being the head of a family, shall have, exempt from seizure and sale upon any attachment, execution or other process issued from any court in this state, the following articles of personal property:

*First.* The family Bible, school books, and family library.

*Second.* Family pictures, and musical instruments used by the family.

*Third.* A seat or pew in any church or place of public worship, and a lot in any burial ground.

*Fourth.* All the wearing apparel of the debtor and his family; all beds, bedsteads

and bedding used by the debtor and his family; one cooking stove and appendages, and all other cooking utensils, and all other stoves and appendages necessary for the use of the debtor and his family; one sewing machine, all spinning wheels and looms, and all other implements of industry, and all other household furniture not herein enumerated, not exceeding in value $500.

*Fifth.* Two cows, ten hogs, one yoke of oxen, and one horse or mule, or in lieu of one yoke of oxen and one horse or mule, a span of horses or mules; twenty sheep, and the wool from the same, either in the raw material or manufactured into yarn or cloth.

*Sixth.* The necessary food for the support of the stock mentioned in this section for one year, either provided or growing, or both, as the debtor may choose; also, one wagon, cart or dray, two plows, one drag, and other farming utensils, including harness and tackle for teams, not exceeding in value $300.

*Seventh.* The grain, meat, vegetables, groceries, and other provisions on hand, necessary for the support of the debtor and his family for one year, and also all the fuel on hand necessary for their use for one year.

*Eighth.* The necessary tools and imple-

ments of any mechanic, miner or other person, used and kept for the purpose of carrying on his trade or business, and, in addition thereto, stock in trade not exceeding $400 in value.

*Ninth.* The library, implements, and office furniture of any professional man.

**Other than Head of Family.** SEC. 4. The following property only shall be exempt from attachment and execution, when owned by any person residing in this state, other than the head of a family:

*First.* The wearing apparel of the debtor.

*Second.* A seat or pew in any church or place of public worship, and a lot in any burial ground.

*Third.* The necessary tools and instruments of any mechanic, miner, or other person, used and kept for the purpose of carrying on his trade or business, and in addition thereto, stock in trade, as provided in the last section.

*Fourth.* The library, implements, and office furniture of any professional man.

**Tax Sale.** SEC. 5. Nothing in this act shall be construed as exempting any personal property from taxation or sale for taxes under the laws of this state.

**Wages of Clerk, Mechanic, etc.** SEC. 6. None of the personal property mentioned in this act shall be exempt from attachment or execution for the wages of any clerk, mechanic, laborer, or servant

## GARNISHMENTS AND ATTACHMENTS FOR WAGES IN CERTAIN CASES.

[General Statutes of 1889, ch. 80, p. 1478.]

**Earnings of Debtor.** SECTION 490*a*. That the earnings of a debtor, who is a resident of this state, for his personal services at any time within three months preceding the issuing of an execution, attachment, or garnishment process, cannot be applied to the payment of his debts when it is made to appear by the debtor's affidavit or otherwise that such earnings are necessary for the maintenance of a family supported wholly or partly by his labor: *Provided*, That at the time of filing such affidavit the debtor shall notify the plaintiff or his agent or attorneys thereof in writing: *And provided*, That nothing herein contained shall prevent the adverse party from controverting the matters sought to be proven by such affidavit by counter affidavit, or if sought to be proven in any other manner the same may be controverted by any competent evidence: *And provided further*, That such counter affidavit shall be filed within 24 hours after the notice of the filing of the said debtor's

affidavit, and final hearing shall be had thereon at a time to be fixed by the court within 10 days from the notice of the filing of the debtor's affidavit if pending in the justice's court, and if pending in the district court it shall be tried at the first term held after filing such affidavit.

## EXEMPTION FROM GARNISHMENT.

[General Statutes of 1889, ch. 80, p. 1298.]

**Exemption from Garnishment.** SECTION 200*n*. No judgment shall be rendered upon a liability of the garnishee arising either — *First*, By reason of his having drawn, accepted, made, indorsed or guaranteed any negytiable bill, draft, note, or other security. *Second*, By reason of any money or other thing received or collected by him as sheriff or other officer, by force of an execution or other legal process in favor of the defendant. *Third*, By reason of any money in his hands as a public officer, and for which he is accountable to the defendant merely as such officer. *Fourth*, By reason of any money or other thing owing from him to the defendant, unless before judgment against the defendant it shall become due absolutely and without depending on any future emergency. Judgment may be given for any money or other thing owing although it has not become payable, in which case the garnishee shall not be required to pay or deliver it before the time appointed by the contract.

## REGULATING THE RATE OF INTEREST.

[General Statutes of 1889, ch. 51, p. 1019.]

SECTION.
1 Six per cent. interest allowed.
2. Contract may be for 10 per cent.
3. Usurious interest.
4. Judgment shall bear 6 cent.
5. Penalty for taking more than 10 per cent.

**Six Per Cent. Interest Allowed.** SECTION 1. Creditors shall be allowed to receive interest at the rate of 6 per cent. per annum, when no other rate of interest is agreed upon, for any money after it becomes due; for money lent or money due on settlement of account, from the day of liquidating the same and ascertaining the balance; for money received for the use of another, and retained without the owner's knowledge of the receipt; for money due and withheld by an unreasonable and vexatious delay of payment or settlement of accounts; for all other money due and to become due, for the forbearance of payment whereof an express promise to pay interest has been made; and for money due from corporations and individuals to their day or monthly employés, from and after the end of each month, unless

the same shall be paid within 15 days thereafter.

**Contract May be for Ten Per Cent.** SEC. 2. The parties to any bond, bill, promissory note, or other instrument of writing for the payment or forbearance of money, may stipulate therein for interest receivable upon the amount of such bond, bill, note, or other instrument of writing, at a rate not to exceed 10 per cent. per annum: *Provided*, That any person so contracting for a greater rate of interest than 10 per cent. per annum shall forfeit all interest so contracted for in excess of such 10 per cent.; and in addition thereto shall forfeit a sum of money, to be deducted from the amount due for principal and lawful interest, equal to the amount of interest contracted for in excess of 10 per cent. per annum.

**Usurious Interest.** SEC. 3. All payments of money or property made by way of usurious interest, or of inducement to contract for more than 10 per cent. per annum, whether made in advance or not, shall be deemed and taken to be payments made on account of the principal and 10 per cent. interest per annum, and the courts shall render judgment for no greater sum than

the balance found due after deducting the payments of money or property made as aforesaid: *Provided,* That no *bona fide* indorsee of negotiable paper purchased before due shall be affected by any usury exacted by any former holder of such paper, unless he shall have actual notice of the usury previous to his purchase. But double the amount of such excess, incorporated into negotiable paper, may in such cases, after payment, be recovered back by action against the party originally exacting the usury, in any court of competent jurisdiction: *Provided further,* That such action shall be brought within 90 days from the maturity of such paper.

**Judgment Shall Bear 6 Per Cent.** SEC. 4. All judgments of courts of records and justices of the peace shall bear interest from the day on which they are rendered, at the rate of 6 per cent. per annum, except as herein otherwise provided.

**Penalty for Taking More than 10 Per Cent.** SEC. 5. When a rate of interest is specified in any contract, that rate shall continue until full payment is made, and any judgment rendered on any such contract shall bear the same rate of interest mentioned in

the contract, which rate shall be specified in the judgment; but in no case shall such rate exceed 10 per cent. per annum; and any bond, note, bill, or other contract for the payment of money, which in effect provides that any interest or any higher rate of interest shall accrue as a penalty for any default, shall be void as to any such provisions.

## LANDLORDS; TENANTS.

[General Statutes of 1889, ch. 55, p. 1048.]

SECTION.
1. Tenant at will.
2. Tenant from year to year.
3. Tenancy where rent is payable at intervals of three months or less.
4. Notice necessary to terminate tenancy.
5. Tenancy from year to year, how determined.
6. Notice to tenants on farms to terminate tenancy on first of March.
7. Tenant for three months or more neglecting to pay rent, how lease determined.
8. Tenant for less than three months neglecting to pay rent, how lease determined.
9. Notice to quit unnecessary, when.
10. Notice, how served.
11. Certain tenant not to transfer interest without assent of landlord.
12. Violation of provisions of preceding section, effect of.

**At Will.** SECTION 1. Any person in the possession of real property, with the assent of the owner, is presumed to be a tenant at will, unless the contrary is shown, except as herein otherwise provided.

**Year to Year.** SEC. 2. When premises are let for one or more years, and the tenant, with the assent of the landlord, continues to occupy the premises after the expiration of the term, such tenant shall be deemed to be a tenant from year to year.

**Rent at Intervals.** SEC. 3. When rent is reserved, payable at intervals of three months or less, the tenant shall be deemed

to hold from one period to another, equal to the intervals between the days of payment, unless there is an express contract to the contrary.

**Notice.** SEC. 4. Thirty days' notice, in writing, is necessary to be given by either party before he can terminate a tenancy at will, or from one period to another, of three months or less; but where, in any case, rent is reserved, payable at intervals of less than 30 days, the length of notice need not be greater than such interval between the days of payment.

**The Same.** SEC. 5. All tenancies from year to year may be determined by at least three months' notice, in writing, given to the tenant prior to the expiration of the year.

**On Farms.** SEC. 6. In case of tenants occupying and cultivating farms, the notice must fix the termination of the tenancy to take place on the 1st day of March.

**Neglect to Pay.** SEC. 7. If a tenant, for a period of three months or longer, neglect or refuse to pay rent when due, 10 days' notice, in writing, to quit, shall determine the lease, unless such rent be paid before the expiration of said 10 days.

**The Same.** SEC. 8. If a tenant, for a

period of less than three months, shall neglect or refuse to pay rent when due, five days' notice, in writing, to quit, shall determine the lease, unless such rent be paid before the expiration of said five days.

**Notice Unnecessary.** SEC. 9. Where the time for the termination of a tenancy is specified in the contract, or where a tenant at will commits waste, or in the case of a tenant by sufferance, and in any case where the relation of landlord and tenant does not exist, no notice to quit shall be necessary.

**How Served.** SEC. 10. Notice, as required in the preceding sections, may be served on the tenant, or, if he cannot be found, by delivering the same to some person over 12 years of age, residing on the premises, having first made known to such person the contents thereof.

**Transfer.** SEC. 11. No tenant for a term not exceeding two years, or at will, or by sufferance, shall assign or transfer his term or interest, or any part thereof, to another, without the written assent of the landlord or person holding under him.

**Effect of.** SEC. 12. If any tenant shall violate the provisions of the preceding section, the landlord, or person holding under

him, after giving 10 days' notice to quit possession, shall have a right to reënter the premises and take possession thereof, and dispossess the tenant, subtenant, or undertenant.

## CHATTEL MORTGAGES.

AN ACT concerning mortgages of personal property.

[General Statutes of 1889, ch. 68, p. 1125.

SECTION.
1. Mortgage of personal property, unaccompanied by delivery and change of possession, void, unless deposited in the office of register of deeds.
2. To be indorsed and filed.
3. Void one year after filing, unless affidavit be made, etc.
4. Affidavit valid at any time before purchase, etc.
5. Copy of instrument and affidavit to be received in evidence.
6. Books in which mortgages to be entered.
7. Mortgagee to have legal title and right of possession, when.
8. Duty of mortgagee on satisfaction of mortgage.
9. Mortgagee may sell property, when.
10. Who may demand sale of property.
11. Surplus money, how disposed of.
12. Joint consent necessary.
13. Disposing of property mortgaged.

**Void Unless.** SECTION 1. Every mortgage, or conveyance intended to operate as a mortgage of personal property, which shall not be accompanied by an immediate delivery and be followed by an actual and continued change of possession of the things mortgaged, shall be absolutely void as against the creditors of the mortgagor, and as against subsequent purchasers and mortgagees in good faith, unless the mortgage, or a true copy thereof, shall be forthwith deposited in the office of the register of deeds, in the county

where the property shall then be situated, or, if the mortgagor be a resident of this state, then of the county of which he shall at the time be a resident.

**Indorsed and Filed.** SEC. 2. Upon the receipt of any such instrument, the register shall indorse on the back thereof the time of receiving it, and shall file the same in his office, to be kept there for the inspection of all persons interested.

**Void One Year After.** SEC. 3. Every mortgage so filed shall be void as against the creditors of the person making the same, or against subsequent purchasers or mortgagees in good faith, after the expiration of one year after the filing thereof, unless, within 30 days next preceding the expiration of the term of one year from such filing, and each year thereafter, the mortgagee, his agent or attorney, shall make an affidavit exhibiting the interest of the mortgagee in the property at the time last aforesaid, claimed by virtue of such mortgage, and if said mortgage is to secure the payment of money, the amount yet due and unpaid. Such affidavit shall be attached to and filed with the instrument or copy on file to which it relates.

**Affidavit.** SEC. 4. If such affidavit be

made and filed before any purchase of such mortgaged property shall be made, or other mortgage deposited, or lien obtained thereon, in good faith, it shall be as valid to continue in effect such mortgage as if the same had been made and filed within the period above provided.

**Evidence.** SEC. 5. A copy of any such original instrument, or any copy thereof, so filed as aforesaid, including any affidavit made in pursuance of this act, certified by the register in whose office the same shall have been filed, shall be received in evidence, but only of the fact that such instrument or copy and such affidavit was received and filed according to the indorsement of the register thereon, and of no other fact.

**Recording.** SEC. 6. The register of deeds shall keep a book in which shall be entered a minute of all mortgages of personal property, and affidavits filed under this act. Such book shall be ruled off into separate columns, with heads as follows: "Time of reception," "Name of mortgagor," "Name of mortgagee," "Date of instrument," "Amount secured," "When due," "Property mortgaged," and "Remarks." The proper entry shall be made under each of such heads. Under the

head of "Property mortgaged," it will be sufficient to enter a general description of the property, and the particular place where located. The date of filing any affidavit, and the amount sworn to be due and unpaid, shall be entered under the head of "Remarks." An index to said book shall be kept in the manner as required for other records.

**Possession.** SEC. 7. In the absence of stipulations to the contrary, the mortgagee of personal property shall have the legal title thereto, and the right of possession.

**Satisfaction.** SEC. 8. When any mortgage of personal property shall have been fully paid or satisfied, it shall be the duty of the mortgagee, his assignee or personal representative, to enter satisfaction or cause satisfaction thereof to be entered of record, in the the same manner, as near as may be, and under the same penalty, for a neglect or refusal, as provided in the case of the satisfaction of mortgages of real estate. The entry of satisfaction shall be made in the book in which the mortgage is entered, as hereinbefore provided; and any instrument acknowledging satisfaction shall not be recorded at length, but shall be referred to under the head of

"Remarks," and filed with the mortgage or copy thereof, and preserved therewith in the office of the register.

**Sell Property.** SEC. 9. After condition broken, the mortgagee or his assignee may proceed to sell the mortgaged property, or so much thereof as may be necessary to satisfy the mortgage and costs of sale, having first given notice of the time and place of sale, by written or printed handbills, posted up in at least four public places in the township or city in which the property is to be sold, at least 10 days previous to the sale.

**Demand Sale.** SEC. 10. If the mortgagee or his assignee shall have obtained possession of the mortgaged property, either before or after condition broken, the mortgagor, or any subsequent mortgagee, may demand, in writing, a sale of such property. In such case the mortgagee shall proceed to sell the property, having first given the same notice as provided in the preceding section.

**Surplus.** SEC. 11. If, after satisfying the mortgage and costs of sale, there be any surplus remaining, the same shall be paid to any subsequent mortgagee entitled thereto, or to the mortgagor or his assigns.

**Joint Consent Necessary.** SEC. 12. It

shall be unlawful for either husband or wife (where that relation exists) to create any lien by chattel mortgage, or otherwise, upon any personal property owned by either or both of them and now exempt by law, to resident heads of families from seizure and sale upon any attachment, execution or other process issued from any court in this state, without the joint consent of both husband and wife; and from and after the time when this act shall take effect, no such mortgage of personal property shall be valid unless executed by both husband and wife.

**Disposing of Property Mortgaged.** SEC. 13. Any mortgagor of personal property who shall injure, destroy, sell or dispose of such property, or any part thereof, for the purpose of defrauding the mortgagee, or his or her assigns, or shall conceal such property or any part thereof, with the intent to hinder, delay or defraud such mortgagee, or his or her assigns, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for a period not to exceed six months, or by a fine of not less than $50 or more than $500, or by both such fine and imprisonment. (See Gen. Stat. 1889, ¶ 2452, p. 726.)

## ESTABLISHING BOARDS OF ARBITRATION.

AN ACT to establish boards of arbitration, and defining their duties and powers.

[General Statutes of 1889, ch. 5*a*, p. 137.]


| SECTION. | SECTION. |
|---|---|
| 1. Appointed by district court. | 6. Compensation. |
| 2. Petition. | 7. Submissions. |
| 3. License. | 8. May make rules. |
| 4. Tribunal. | 9. Umpire. |
| 5. Shall organize, how. | 10. Form of petition. |


**Appointed by District Court.** SECTION 1. That the district court of each county, or a judge thereof in vacation, shall have the power, and upon the presentation of a petition, as hereinafter provided, it shall be the duty of said court, or judge, to issue a license, or authority, for the establishment, within and for any county within the jurisdiction of said court, of a tribunal for voluntary arbitration and settlements of disputes between employers and employed, in the manufacturing, mechanical, mining and other industries.

**Petition.** SEC. 2. The said petition shall be substantially in the form hereinafter given, and the petition shall be signed by at least five persons employed as workmen, or by two or more separate firms, individuals, or

corporations within the county, who are employers within the county: *Provided*, That at the time the petition is presented, the judge before whom said petition is presented may, upon motion, require testimony to be taken as to the representative character of said petitioners, and if it appears that the requisite number of said petitioners are not of the character they represent themselves to be, the establishment of the said tribunal may be denied, or he may make such other order in that behalf as shall to him seem fair to both sides.

**License.** SEC. 3. If the said petition shall be signed by the requisite number of either employers or workmen, and be in proper form, the judge shall forthwith cause to be issued a license, authorizing the existence of such a tribunal and containing the names of four persons to compose the tribunal, two of whom shall be workmen and two employers, all residents of said county, and fixing the time and place of the first meeting thereof; and an entrance of the license so granted shall be made upon the journal of the district court of the county in which the petition originated.

**Tribunal.** SEC. 4. Said tribunal shall

continue in existence for one year from the date of the license creating it, and may take jurisdiction of any dispute between employers and workmen in any mechanical, manufacturing, mining or other industry, who may submit their disputes in writing to such tribunal for decision. Vacancies occurring in the membership of the tribunal shall be filled by the judge or court that licensed said tribunal. Disputes occurring in one county may be referred to a tribunal already existing in an adjoining county. Said court, at the time of the issuance of said license, shall appoint an umpire for said tribunal, who shall be sworn to impartially decide all questions that may be submitted to him during his term of office. The umpire shall be called upon to act after disagreement is manifested in the tribunal by failure to agree during three meetings held and full discussion had. His award shall be final and conclusive upon such matters only as are submitted to him in writing and signed by the whole of the members of the tribunal, or by parties submitting the same. And the award of said tribunal shall be final and conclusive upon the questions so submitted

to it: *Provided*, That said award may be impeached for fraud, accident, or mistake.

**Shall Organize, How.** SEC. 5. The said tribunal when convened shall be organized by the selection of one of their number as chairman, and one as secretary, who shall be chosen by a majority of the members.

**Compensation.** SEC. 6. The members of the tribunal and the umpire shall each receive as compensation for their services, out of the treasury of the county in which said dispute shall arise, $2 for each day of actual service. The sessions of said tribunal shall be held at the county seat of the county where the petition for the same was presented, and a suitable room for the use of said tribunal shall be provided by the county commissioners.

**Submissions.** SEC. 7. All submissions of matters in dispute shall be made to the chairman of said tribunal, who shall file the same. The chairman of the tribunal shall have power to administer oaths to all witnesses who may be produced, and a majority of said tribunal may provide for the examination and investigation of books, documents and accounts necessary, material, and pertaining to the matters in hearing before the tribunal, and belonging to either party

to the dispute. The umpire shall have power when necessary to administer oaths and examine witnesses, and examine and investigate books, documents and accounts pertaining to the matters submitted to him for decision.

**May Make Rules.** SEC. 8. The said tribunal shall have power to make, ordain and enforce rules for the government of the body, when in session, to enable the business to be proceeded with in order, and to fix its sessions and adjournments; but such rules shall not conflict with this statute, nor with any of the provisions of the constitution and laws of the state: *Provided*, That the chairman of said tribunal may convene said tribunal in extra session at the earliest day possible, in cases of emergency.

**Umpire.** SEC. 9. Before the umpire shall proceed to act, the question or questions in dispute shall be plainly defined in writing, and signed by the members of the tribunal or a majority thereof, or by the parties submitting the same; and such writing shall contain the submission of the decision thereof to the umpire by name, and shall provide that his decision thereon after hearing shall be final; and said umpire must make his award within

five days from the time the question or questions in dispute are submitted to him. Said award shall be made to the tribunal; and if the award is for a specific sum of money, said award of money, or the award of the tribunal when it shall be for a specific sum, may be made a matter of record by filing a copy thereof in the district court of the county wherein the tribunal is in session. When so entered of record it shall be final and conclusive, and the proper court may, on motion of anyone interested, enter judgment thereon; and when the award is for a specific sum of money, may issue final and other process to enforce the same: *Provided*, That any such award may be impeached for fraud, accident, or mistake.

**Form of Petition.** SEC. 10. The form of the petition praying for a tribunal under this act shall be as follows:

*To the District Court of* ——— *County* (or a judge thereof, as the case may be): The subscribers hereto, being the number and having the qualifications required in this proceeding, being desirous of establishing a tribunal of voluntary arbitration for the settlement of disputes in the manufacturing, mechanical, mining and other industries, pray that a license for a tribunal of voluntary arbitration may be issued to be composed of four persons and an umpire, as provided by law.

## COÖPERATIVE SOCIETIES.

AN ACT to encourage coöperative societies.

[General Statutes of 1889, ch. 23, p. 509.


| SECTION. | SECTION. |
|---|---|
| 1. Incorporate coöperative so-society. | 2. Privileges and powers. |
| | 3 Vote. |


**Incorporate Coöperative Society.** SECTION 1. That 20 or more persons in this state may organize and incorporate a coöperative society or company in the manner and form provided by law in other cases, for the purpose and to the end of more successfully promoting and conducting any industrial pursuit.

**Privileges and Powers.** SEC. 2. Every such society or company, when so organized, shall enjoy all the rights, privileges and powers conferred by law on other chartered or incorporated companies in this state.

**Vote.** SEC. 3. The shareholders in any such society or company shall each have but one vote in all matters pertaining to the business of such society or company, without regard to the number of shares owned.

## LABOR DAY A LEGAL HOLIDAY.

[Session Laws of 1891, ch. 145, p. 269.]

AN ACT declaring the first Monday in September of each year a legal holiday.

SECTION 1. That the first Monday of September of each year shall be known as labor day, and the same is hereby declared to be a legal holiday.

SEC. 2. This act shall take effect and be in force from and after its publication in the statute book.

## WEEKLY PAYMENT OF WAGES.

[Session Laws of 1893, ch. 187, p. 270.]

SECTION.
1. Paid not later than Friday.
2. Penalty.
3. Employé discharged.
4. Employé may recover penalty.
5. Evasion of this act void.
6. Contractor; corporation liable to employé of.
7. Lawsuit for recovery.

AN ACT providing for the weekly payment of wages in lawful money of the United States by certain corporations, and providing a penalty for the violation thereof.

*Be it enacted by the Legislature of the State of Kansas:*

**When to Be Paid.** SECTION 1. All private corporations doing business within this state, except all steam surface railways and except corporations engaged in the production of farm and dairy products, shall pay to their employés the wages earned each and every week in lawful money of the United States, and all such wages shall be due and payable and shall be paid by such corporation not later than Friday of each week for all such wages earned the preceding week.

**Penalty.** SEC. 2. Whenever such corporation fails to pay any of their employés, as provided in section 1 of this act, then a penalty shall attach to such corporation and become due to such employés, as follows: A

sum equivalent to a penalty of 5 per cent. per month as liquidated damages, and such penalty shall attach and become a judgment in any court of competent jurisdiction, and the penalty shall continue in full force and effect including all the time intervening up to time of final payment.

**Employe Discharged.** SEC. 3. Whenever any employé is discharged from the employ of any such corporation, then the wages of such employé shall become due and payable in the same manner as heretofore described in section 2.

**Employe May Recover Penalty.** SEC. 4. Any employé may recover all such penalties that may, by violations of sections 2 and 3 of this act, have accrued to him at any time within six months succeeding such default or delay in the payment of such wages.

**Evasion; Contract Void.** SEC. 5. Any contract or agreement made between any such corporation any parties in its employ, whose provisions shall be in violation, evasion or circumvention of this act, shall be unlawful and void in its effects as to such corporations.

**Contractor.** SEC. 6. Whenever any such corporation shall contract any or all its

work to any contractor, then it shall become the duty of such corporation to provide that the employés of such corporation or contractor shall be paid according to the provisions of this act, and such corporation shall become responsible and liable to the employés of such contractor in the same manner as if said employés were employed by such corporation.

**Lawsuit for Recovery.** SEC. 7. Whenever it shall become necessary for employés to enter or maintain a suit at law for the recovery or collection of wages due as provided by this act, then such judgment shall include a reasonable attorney fee, to be taxed as part of the costs in the case, and collected under the same provisions of law as such judgment.

## VENTILATION.

NOTE.—The following measure (Senate bill No. 370, by Senator Reid,) passed the Senate, and was forwarded to the House; but, owing to the limited time for consideration, it failed to pass that body. In the judgment of the inspector, this bill, or something similar to it, would be of more benefit to the miners of the state, especially when employed in room-and-pillar work, than all other laws of this nature now on the statute book.

AN ACT supplemental to and amendatory of section 20, chapter 66*a*, of General Statutes of 1889, for health and safety of persons employed in coal mines, or any underground workings where mineral is excavated by system of room-and-pillar work.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. It shall be unlawful for any mine owner, agent, lessee or operator of any coal mine, or any other underground workings where mineral is excavated in shaft, slope, or drift, by system of room and pillar, to work or cause to be worked by employés employed therein, by bushel or ton or by days' wages, to excavate in advance coal or other mineral in advance space of 40 feet, unless break-throughs are made, ranging in distance as follows: Forty feet between break-throughs, either in rooms or entries, regardless of distance.

SEC. 2. Said break-throughs to be filled with either slate, rock, or stopped by brattice, to make said break-throughs air tight, as soon as the second or succeeding break-through is made between rooms or entries.

SEC. 3. Said break-throughs must be at least five wide, and full height of coal strata or other minerals mined therein.

SEC. 4. This act provides and hereafter maintains for every such mine ample means of ventilation, affording 100 cubic feet of air per minute per man in all mines. Said volume of air shall be directed or circulated where any person or persons may be working in said mines.

SEC. 5. The inspector of mines shall increase the volume of air, when necessary, to such an extent as will dilute, carry off and render harmless the noxious gases generated therein; and all mines generating fire damp shall be kept free of standing gas, and every working place shall be carefully examined every morning with a safety lamp by an examiner or fire boss. Before miners or other employés enter their respective working places, said examiner or fire boss shall register day of month at face of workings, and also on top in the weighmaster's office, as proof of inspection; and in case of danger, where fire damp may have accumulated during absence of a person or persons employed therein, said examiner or fire boss must notify the miner or employé who works in said place, and the hydrogen or fire damp generated therein must be diluted or rendered harmless before any person or persons enter such working place with a naked light.

SEC. 6. It shall be the duty of the owner, lessee, agent or operator of every mine to provide and maintain air ways of sufficient dimensions, viz.: In coal strata or other mineral mines where no top or bottom brushing is done, it shall be height of mineral vein, and at least 12 feet wide; where brushed on top or bottom lifted, it shall be at least six feet wide and five feet in height.

SEC. 7. Standing or stagnant waters must not be left in air courses. Obstructions of any kind must

not be placed in air ways; and in case of a fall of roof in such air ways it shall be the duty of the mine boss to cause such fall or obstruction to be removed immediately, and the roof secured. All main air ways in any of the underground workings in the state of Kansas must be examined at least twice per week by mine boss or agent, or some other competent person so directed by said mine agent, and report the same to inspector of mines once every month.

SEC. 8. No employé or other person in mines shall leave trap door or air gate open any longer than while passing through said gates or doors; and all employés or other persons engaged or working underground shall use no other oil for lighting purposes in their lamp except pure lard oil.

SEC. 9. In noncompliance with section 1, 2, 3, 4, 5, 6 and 7 of this act, the owner, operator, agent or lessee of any mine shall be deemed guilty of a misdemeanor, and shall, upon conviction, for each offense, be punished by a fine of not less than $100 and not to exceed $300, or by imprisonment in the county jail for a period of not less than 30 days and not to exceed 90 days, or by both such fine and imprisonment.

SEC. 10. This act shall take effect and be in force from and after the first day of July, 1893.

COMMITTEE REPORT.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate bill No. 370, An act supplemental to and amendatory of paragraph 3849, section 20, General Statutes of 1889, has had the same under consideration, and instructs me to report the bill back to the Senate with the recommendation that it be passed. A. W. DENNISON, *Chairman.*